REMARKS

Claims 1-5 are pending in this application. Claims 1-3 are rejected. The allowance of claims 4 and 5 is noted with appreciation.

A typographical error in claim 3 has been corrected.

Claims 1-3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lannen et al. (US Patent No. 5,497,412) in view of Method for Calculating the Check Digit (ISO/TC 46/SC 9/WG 1 N, 105 revised, date 08/06/1999, by Jane Thacker). These rejections are respectfully disagreed with, and are traversed below.

The teachings of Lannen et al., as noted by the Examiner, are devoid of disclosure of a hexadecimal check digit calculation procedure. In fact, there is no disclosure of a check digit calculation at all with respect to the message field parameters found at the end of column 18.

The Examiner then states that, "such hexadecimal check digit calculation procedure is well known in the art, as taught in the Method for Calculating the Check Digit (pg. 1- pg.4)."

The International Standard Audiovisual Number (ISAN) article (ISO/TC 46/SC 9/WG 1 N 105 revised, 1999-08-06) entitled, "Effect of adopting a hexadecimal format for the ISAN on the method for calculating the check digit", hereinafter referred to as "the ISAN article", is only seen to present a problem relating to the potential adoption of a hexadecimal format for calculating a check digit, and is not seen to present a solution to the problem.

More specifically, the ISAN article states only that:

> "The procedure for calculation described in annex C (ISO 7064) does not seem to
> be working with a numbering system that includes two figure values, which is the

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case with digits "A" to "F", unless two digits are used for checking purpose."
(referring to page 1 of the ISAN article)

Additionally, it appears that the procedure hinted at in the ISAN article results in a four or five digit check character with a negative value. (referring to page 3-4 of the ISAN article) In both examples (pages 3 and 4 of the ISAN article), this is clearly identified as being a problem, not a solution. For example, the ISAN article states:

> "The two examples on the following pages illustrate this problem, using the current method for calculating the ISAN check digit described in Annex C of ISO Committee Draft 15706.

> For this reason, if a hexadecimal format is ever adopted for future ISAN assignments, the information annex describing the method of check digit calculation should be revised by an amendment to the ISAN standard." (referring to the last two full paragraphs on page 1 of the ISAN article, emphasis added)

This proposed alphanumeric format for ISAN for calculating the check digit is thus incomplete, as only a problem is presented regarding the proposed use of alphanumeric characters and not a viable solution. Further the procedure for the calculation is said to be described in "annex C (ISO 7064)." Attempts by the undersigned attorney to obtain a copy of the document electronically have been unsuccessful, and it may be unavailable. As such, the precise procedure that is being used in the ISAN article is currently not ascertainable.

It is argued that it would not have been obvious to one of ordinary skill in the art to combine the teachings of Lannen et al. with the hexadecimal check digit calculation procedure as taught in the Method for Calculating the Check Digit ISAN article, as the calculation procedure in the ISAN article is not fully set forth. Furthermore, and as was noted above, the use of the current (at the time of writing the ISAN article) ISO 7064 procedure resulted in problems in the check digit

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calculation. As such, why would one skilled in the art be led to attempt to modify Lannen et al. with the check digit calculation teaching of the ISAN article when the ISAN article clearly states that problems result?

In the present invention, the result of the check digit calculation in claim 1 maintains compatibility with decimal digits and only creates decimal (BCD) check digits, i.e., a mobile station:

> "comprising a memory device for storing and International Mobile Equipment Identity (IMEI) code having at least a six digit hexadecimal Serial Number (SNR) representation, wherein <u>said SNR is used with a hexadecimal check digit calculation procedure so as to insure backwards compatibility with an exiting installed base of mobile stations having a Binary Coded Decimal (BCD) SNR representation.</u>" (emphasis added)

It is respectfully submitted that one skilled in the art, when presented by the disclosure of Lannen et al., as it pertains to a prior art ESN expressed in 8 ASCII hex digits (end of column 18), and the prior art, as taught in the ISAN article, would not be led to the subject matter found in claim 1.
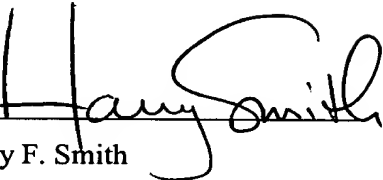
In that claim 1 is clearly patentable over the prior art relied on by the Examiner, then claims 2 and 3 are patentable as well.
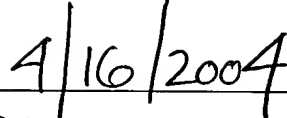
The Examiner is respectfully requested to reconsider and remove the rejection of claims 1-3, and to also allow these claims along with already allowed claims 4 and 5.

A favorable reconsideration that results in the withdrawal of the rejection and in the allowance of all of the pending claims is thus earnestly solicited.

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Respectfully submitted:

Harry Smith
_____   4/16/2004
Harry F. Smith   Date
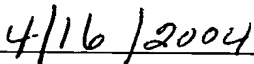Reg. No.: 32,493
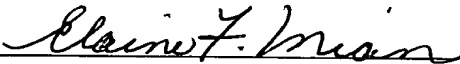

Customer No.: 29683

HARRINGTON & SMITH, LLP

4 Research Drive

Shelton, CT 06484-6212

Telephone: (203)925-9400

Facsimile: (203)944-0245

email: hsmith@hspatent.com

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